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## National

### **1- Global CO2 footprint to break another record in 2019, E&E News, 12/3/19**

<https://www.eenews.net/climatewire/2019/12/04/stories/1061716715>

By the end of the year, emissions from industrial activities and the burning of fossil fuels will pump an estimated 36.8 billion metric tons of carbon dioxide into the atmosphere. And total carbon emissions from all human activities, including agriculture and land use, will likely cap off at about 43.1 billion tons.

### **2 – Latest EPA guidance weakens air protections in favor of industry, critics say, The Hill, 12/3/19**

<https://thehill.com/policy/defense/472890-latest-epa-guidance-weakens-air-protections-in-favor-of-industry-critics-say>

EPA) on Tuesday released its newest definition for ambient air in a move critics say will ease burdens on polluting industries. On its surface, the guidance deals less directly with air quality than it does with fencing. Though seemingly unrelated, the Clean Air Act doesn't apply to spaces where the public has been denied access, forcing polluting industries to surround their property with fencing.

### **3 - EPA Won't Regulate Chemicals Based on Draft Risk Evaluations, Bloomberg, 12/3/19**

<https://news.bloombergenvironment.com/environment-and-energy/epa-wont-regulate-chemicals-based-on-draft-risk-evaluations>

The EPA won't restrict or ban chemicals as imminent hazards based on preliminary conclusions it has reached in draft risk evaluations of those compounds, the agency's top chemicals official said Dec. 3.

### **4 – Methylene Chloride Riskier Than EPA Estimates, Groups Say, Bloomberg, 12/3/19**

<https://news.bloombergenvironment.com/environment-and-energy/methylene-chloride-solvent-riskier-than-epa-estimates-groups-say>

The widely used solvent methylene chloride poses an even greater chance of hurting people and the environment than the EPA found in an analysis that determined most uses of the chemical are too risky, environmental, health, and labor groups said Dec. 3.

### **5 – EPA Grants First Two Manufacturer Requests for Risk Evaluation, National Law Review, 12/3/19**

<https://www.natlawreview.com/article/epa-grants-first-two-manufacturer-requests-risk-evaluation>

EPA announced on December 2, 2019, that it granted the first two manufacturer requests for risk evaluations for diisodecyl phthalate (DIDP) and diisononyl phthalate (DINP), two chemicals used in plastic production.

### **6 – Policy aims to end IG, homeland security office infighting, E&E News, 12/2/19**

<https://www.eenews.net/greenwire/2019/12/03/stories/1061714593>

EPA has established a new policy that may help end years of infighting between its inspector general and homeland security office. EPA's internal watchdog has often fought with the agency's Office of Homeland Security for access to staff and records.

## Texas

### **7 - Officials: Fire is out but work still lies ahead, Beaumont Enterprise, 12/3/19**

<https://www.beaumontenterprise.com/news/article/Updates-County-mobile-medical-unit-headed-to-14878529.php>

Kids returned to school in Port Neches and residents worked to move forward on Tuesday as crews finally quenched the last blaze at the TPC Group site left burning since an early Nov. 27 explosion, but the return to seeming normality wasn't without questions about what comes next.

### **8 – As Port Neches Plant Smolders, Trump Rolls Back Safety Rules for Chemical Plants, Texas Observer, 12/3/19**

<https://www.texasobserver.org/as-port-neches-plant-smolders-trump-rolls-back-safety-rules-for-chemical-plants/>

Early Wednesday morning, inside a chemical manufacturing complex just southeast of Beaumont, a building erupted in a ball of flames, injuring eight people and sending acrid smoke wafting over southeast Texas.

### **9 - Students at Houston 'environmental justice' school among young people seeking climate action, Houston Chronicle, 12/4/19**

[https://www.houstonchronicle.com/news/houston-texas/houston/article/Students-at-Houston-environmental-justice-14879932.php?utm\\_source=desktop&utm\\_medium=collection&utm\\_campaign=hcpromomod#](https://www.houstonchronicle.com/news/houston-texas/houston/article/Students-at-Houston-environmental-justice-14879932.php?utm_source=desktop&utm_medium=collection&utm_campaign=hcpromomod#)

Fueled by a sense of justice and concern about their future, young people are part of an increasingly vocal and active movement of environmental advocates and activists in the region and around the world.

### **10 - Trump administration plans to open national forests in Texas to more oil and gas drilling, Houston Chronicle, 12/3/19**

<https://www.houstonchronicle.com/business/energy/article/Trump-administration-plans-to-open-national-14867890.php>

Environmentalists and other opponents are fighting Trump administration plans to open more than 1.9 million acres of national forests and grasslands in Texas to more oil and natural gas drilling activity, which would include plans to drill thousands of feet under Lake Conroe — the principal drinking water source for thousands of people in suburban Montgomery County.

## New Mexico

### **11 – Forest Service accepting comment on Pecos-area drilling plan, Albuquerque Journal, 12/3/19**

<https://www.abqjournal.com/1397215/forest-service-accepting-comment-on-pecos-area-drilling-plan.html>

The management of the Santa Fe National Forest is soliciting public input on the controversial proposal by Comexico LLC to conduct exploratory core drilling on national forest land north of Pecos in the Sangre de Cristo Mountains.

EMISSIONS

## Global CO2 footprint to break another record in 2019

Chelsea Harvey and Nathaniel Gronewold, E&E News reporters • Published: Wednesday, December 4, 2019



Global greenhouse gases continued to rise this year. A cargo ship is loaded with coal in China's Shandong province. *Xinhua/Sipa/Newscom*

Global carbon emissions are expected to hit an all-time high in 2019, scientists say, smashing a previous record set in 2018.

By the end of the year, emissions from industrial activities and the burning of fossil fuels will pump an estimated 36.8 billion metric tons of carbon dioxide into the atmosphere. And total carbon emissions from all human activities, including agriculture and land use, will likely cap off at about 43.1 billion tons.

The estimates were released last night in a [new report](#) from the Global Carbon Project, an international research consortium dedicated to tracking the world's greenhouse gas emissions.

The findings — along with recommendations for reversing the growth in global carbon output — were presented in three separate papers published in various journals. They'll also be shown today at this year's United Nations climate talks in Madrid.

There is some good news. The authors expect a substantial slowdown in worldwide fossil fuels emissions for this year. Emissions from coal, oil and natural gas expanded by about 2% globally in 2018. For all of 2019, they predict an expansion of just 0.6%.

Part of the slowdown can be attributed to declines in coal use in the U.S. and much of Europe, and lower-than-expected growth from other key coal consumers this year.

"We're estimating a decline of 10% this year" for the U.S., said the Global Carbon Project's executive director, Pep Canadell, "well above previous decline levels."

The European Union will have registered coal emission declines along the same lines as the United States by year's end, said Canadell, while India and China both showed strong increases, though less rapidly than in the past.

The Global Carbon Project's estimate of a 0.6% increase in the world's fossil fuel emissions for 2019 represents a "preliminary" estimate, he said, "but this is about a third of the growth rates we've seen of the previous years, so it is actually a quite significant slowdown."

Still, it's too early to tell if the slowing will continue in the long term. Other recent short-term trends have sparked temporary optimism, only to quickly reverse themselves.

Between 2014 and 2016, global carbon emissions remained mostly flat, raising hopes the world's carbon output may have peaked for good. But emissions began to rise again in 2017 and have continued growing through this year.

And with every year that emissions continue to rise, international climate goals outlined in the Paris Agreement become a little harder to reach. Just last week, a grim report from the U.N. Environment Programme warned that carbon dioxide emissions must fall by 25% over the next decade to keep the global temperatures within 2 degrees Celsius of their preindustrial levels (*ClimateWire*, Nov. 26).

To reach a more ambitious target of 1.5 C, emissions would need to fall by 55%.

In a briefing yesterday to reporters, Canadell said his group agrees with recent conclusions drawn by the U.N. Environment Programme that industrial greenhouse gas concentrations in the atmosphere are still rising far too quickly for international efforts to succeed at limiting global warming to 1.5 C.

"The single most important result is that we have yet another year of growth in CO2 emissions coming from all human activities," Canadell said of his team's research. "I think that it is very important to acknowledge at this moment that every single additional year of emissions growth makes it significantly harder to achieve the goals of the Paris Agreement."

As if to underscore this view, the World Meteorological Organization issued a "provisional statement" on 2019 climate and weather conditions meant to be seen by delegates gathered in Madrid for the latest negotiations around the U.N. Framework Convention on Climate Change.

WMO says that its data indicates that average global temperatures for 2019 were about 1.1 C above those compared with the preindustrial age. University of Tasmania professor Pete Strutton said that WMO data proving high concentrations of anthropogenic greenhouse gas emissions in the atmosphere shows that drastic cuts in CO2 output will no longer be enough to prevent warming by 3 C.

"There is no way for Earth to stay below 3 C without large-scale emissions capture and storage, in addition to massive emissions reduction," said Strutton. "Governments and individuals need to act swiftly."

### Natural gas in the spotlight

Despite the Trump administration's emphasis on coal, and its rollback of various environmental regulations over the past three years, U.S. emissions have continued to fall. This year they declined by about 1.7%, the report finds, and have decreased by an average of about 1% each year for the last 15 years.

That's largely the product of declining coal use. Still, those reductions were partially offset by continued increases in natural gas consumption.

That's not just a U.S. trend. Natural gas has been the dominant driver of global carbon dioxide emissions since 2012, the report notes, despite being less carbon intensive than both coal and oil.

Worldwide, the report suggests that emissions from coal use will decline by 0.9% in 2019. Meanwhile, emissions from oil consumption will grow 0.9% and emissions from natural gas will grow by 2.6%.

"Now that we have got movement on coal, particularly in some countries, we also need to get movement on oil and natural gas," Glen Peters, research director at the Center for International Climate Research in Norway and a co-author of the new report, said in an email to E&E News while in transit to the conference in Madrid. "It is a little worrying that natural gas is growing relatively fast, and even accelerating."

The expansion of relatively cheap natural gas is responsible, in large part, for continuing coal declines in the U.S. and Europe. Some experts have suggested the fuel, which is less carbon intensive than coal, may serve as a bridge to clean energy, helping facilitate a transition to zero-carbon renewables like solar and wind.

But for that to happen, renewables must begin to replace fossil fuels, not just add more power sources, said Rob Jackson, a Stanford University scientist and another Global Carbon Project contributor.

"The two places where renewables and natural gas are both displacing coal are here in the United States and in Europe," he told E&E News. But elsewhere around the world, he said, "most of the new gas being burned isn't replacing coal — it's providing new energy for people."

Continuing increases in coal consumption across much of Asia, particularly in China and India, remain a primary challenge for global climate action.

"There is a lot to do to get coal out of the system in countries where the coal fleet is young," Peters noted. "But simply replacing coal with gas is going to lock in continued emissions as well, so we can't turn a blind eye to natural gas."

Authors of the new assessment note that a large-scale overhaul of global energy and transportation systems remains necessary to reduce global emissions at the rate required to keep global climate goals on track.

"We need to use less, we need to walk more, bike more, take more public transit," Jackson said.

He noted that he's optimistic about changes in the electricity sector and the continued growth of renewable energy, but added that expansions in the use of electric vehicles and carbon capture and storage technology needed more focus.

"Despite slower emissions growth around the world, we still set another record for carbon dioxide pollution," he said. "And it's hard to be happy about that."

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# Latest EPA guidance weakens protections in favor of industry critics say

BY REBECCA BEITSCH - 12/03/19 05:55 PM EST

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The Environmental Protection Agency (EPA) on Tuesday released its newest definition for ambient air in a move critics say will ease burdens on polluting industries.

On its surface, the guidance deals less directly with air quality than it does with fencing. Though seemingly unrelated, the Clean Air Act doesn't apply to spaces where the public has been denied access, forcing polluting industries to surround their property with fencing.

The guidance posted Tuesday would allow industries to use other "non-physical barriers" to enclose those spaces, such as no trespassing signs or even patrol by drones, something air quality experts say exempts industries from installing pollution controls.

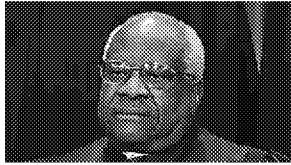
"It's an industry dream," said John Walke, a senior attorney with the Natural Resources Defense Council, adding that the definition for outside air "makes it more likely that industry can increase air pollution and worsen air quality in surrounding communities and escape pollution control measures."

The definition is likely to be of greatest benefit to industries with large plots of land that would be difficult to fence in, such as timber and lumber, or plants in rural areas.

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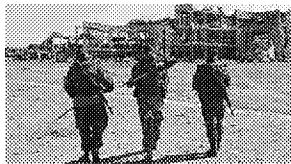
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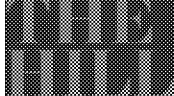


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"If you focus on air quality, it makes no sense whatsoever because molecules move from Point A to Point B regardless of whether there are drones or a river or a fence," Walke said, but he was disappointed the EPA is making it easier, not tougher, for companies to skirt the Clean Air Act.

The EPA touted the new definition, part of a package of changes to the New Source Review (NSR) permitting process required of companies that build or modify a plant, as removing unnecessary obstacles to projects.

"NSR reforms are a key component of President Trump's agenda to revitalize American manufacturing and grow our economy while continuing to protect and improve the environment," EPA Administrator Andrew Wheeler said in a statement.

The EPA did not respond to questions from The Hill about how the ambient air definition would improve the environment.

Streamlining the NSR process was one of many requests made by industry after an [open call](#) from President Trump for ideas about how to reduce unnecessary regulations.

Tuesday's guidance does not directly spell out what types of nonphysical barriers qualify, but an earlier version gives examples of how businesses can block the public from coming near harmful air.

"These measures may include traditional fencing, but may also include video surveillance and monitoring, clear signage, routine security patrols, drones, and other potential future technologies," [the draft](#) said.

Walke said "mentioning them was too easy to ridicule."

The guidance comes as Trump repeated claims that he hopes to fight global warming by having clean air and water in the U.S.

"I believe very strongly in very, very crystal clear, clean water and clean air," he told reporters while attending a NATO meeting in London.

**TAGS** ANDREW WHEELER DONALD TRUMP NEW SOURCE REVIEW  
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Environment & Energy Report

## EPA Won't Regulate Chemicals Based on Draft Risk Evaluations

By Pat Rizzuto

Dec. 3, 2019, 9:40 AM

- EPA won't immediately regulate a chemical it's evaluating: top chemicals official
- TSCA's risk analyses to inform future decisions, not immediate hazard finding

The EPA won't restrict or ban chemicals as imminent hazards based on preliminary conclusions it has reached in draft risk evaluations of those compounds, the agency's top chemicals official said Dec. 3.

Risk evaluations required under the nation's primary chemicals law are designed to decide whether a compound has so much potential to injure people or the environment that it warrants some kind of restriction, labeling, or other requirement, said Alexandra Dapolito Dunn, assistant administrator for chemical safety and pollution prevention at the Environmental Protection Agency.

The Toxic Substances Control Act allows the agency to control chemicals in many different ways, including through warning labels, container restrictions, and limits on the amount that can be used, she added.

When a chemical poses an unreasonable risk, the information in the agency's evaluations will help it decide what type of control to use, Dunn said.

The documents aren't intended to be imminent hazard findings made under the law's Section 7, she said. Section 7 authorizes the EPA to take actions such as seizing a chemical the agency has determined is "imminently hazardous."

The EPA has received several letters asking the agency to warn the public immediately, or otherwise regulate chemicals at once, based on the risks found in preliminary analyses.

Additional requests may come as the agency continues its work, Dunn told an agency advisory committee that will critique the EPA's draft assessments of two solvents.

The agency is trying to complete 10 chemical risk evaluations by June 2020, and launch risk evaluations on 20 other chemicals in January.

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## Environment & Energy Report

# Methylene Chloride Riskier Than EPA Estimates, Groups Say (1)

By Pat Rizzuto

Dec. 3, 2019, 2:53 PM; Updated: Dec. 3, 2019, 3:34 PM

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- EPA's methylene chloride draft analysis finds many risks, yet underestimates chemical's potential to harm, nonprofits say
  - Industry says EPA actually may have overestimated risks
- 

The widely used solvent methylene chloride poses an even greater chance of hurting people and the environment than the EPA found in an analysis that determined most uses of the chemical are too risky, environmental, health, and labor groups said Dec. 3.

The Environmental Protection Agency's draft methylene chloride analysis examined about 138 ways factory floor workers, office staff, and do-it-yourself homeowners and their families could be exposed to the solvent as they carry out tasks like cleaning industrial equipment, producing medicines, or removing gunk from a car's engine.

Of those 138 exposure scenarios, 113 posed too great a risk of injuring at least one or more groups of people, such as consumers or workers, the EPA's draft evaluation said.

Yet the agency's analysis underestimates the extent to which people are exposed to the chemical and the harm that could cause, representatives of groups including the Environmental Defense Fund, Earthjustice, and Safer Chemicals Healthy Families told an agency advisory committee critiquing the agency's analysis.

Industry representatives, however, challenged the agency for possibly overestimating risks, particularly the potential that methylene chloride may cause cancer.

### Affecting Companies

The conclusions the EPA eventually makes about methylene chloride's risks could eventually affect companies that use the solvent to make foam, plastic, rubber, lubricants, greases, medicines, and other products, and those that use fluids containing the solvent such as the oil and gas drilling industry.

The conclusions also are important to prevent more people from dying, said Wendy Hartley, the mother of a young working man, Kevin Hartley, who died in 2017 from exposure to high concentrations of methylene chloride.

The Toxic Substances Control Act requires the agency to regulate a chemical that poses undue, or "unreasonable," risks of injuring people or the environment.

Last month, EPA's retail ban on the sale of methylene chloride paint strippers took effect. But it remains available for commercial use and in other consumer products including some aerosol brake cleaners, carbon removers, carburetor cleaners, coil cleaners, electronics cleaners, gasket removers, and engine cleaners.

#### **Analysis to Be Completed Next Year**

High, concentrated exposures to the chemical can be deadly in as little as 15 minutes, Stanley Barone, deputy director for the chemical office's risk assessment division at EPA, told the EPA's Science Advisory Committee on Chemicals.

Sufficient ventilation and other protective measures can prevent such deaths. However, methylene chloride also may cause other health problems including being likely to cause cancer, EPA's analysis said.

The EPA's risk analysis vastly underestimates the extent to which people are exposed to the chemical, the nonprofit groups told the agency's advisers.

The agency's analysis also failed to analyze the environmental and health damage the solvent can cause by helping deplete the stratospheric ozone layer, said Jonathan Kalmuss-Katz, an attorney with Earthjustice.

Advisory committee members identified several other ways the agency's analysis may underestimate environmental exposure, and therefore risks, the solvent poses.

The nine nonprofit, individual, and academic public comment-makers outnumbered the three industry representatives who spoke on behalf of the Halogenated Solvents Industry Alliance and American Chemistry Council.

Those organizations' comments focused primarily on ways the agency may inflate the solvent's potential to cause cancer.

The advisory committee's methylene chloride review continues through Dec. 4.

The EPA has said it will use information and perspectives offered by the committee and the public to refine its risk evaluation. TSCA requires the agency to issue a final analysis by June 22. It then must begin to craft regulations to control any unreasonable risks it has identified.

**(Updated with additional reporting throughout)**

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# EPA Grants First Two Manufacturer Requests for Risk Evaluation

Article By:

Lynn L. Bergeson

Carla N. Hutton

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The U.S. Environmental Protection Agency (EPA) announced on December 2, 2019, that it granted the first two manufacturer requests for risk evaluations for diisodecyl phthalate (DIDP) and diisononyl phthalate (DINP), two chemicals used in plastic production. EPA states that if the requests are not withdrawn within 30 days, both DIDP and DINP will enter the risk evaluation process under the Toxic Substances Control Act (TSCA). Manufacturer-requested risk evaluations are conducted in the same manner as other risk evaluations conducted under TSCA Section 6(b)(4)(A). EPA received the manufacturer requests from ExxonMobil Chemical Company (for DIDP) and from ExxonMobil Chemical Company, Evonik Corporation, and Teknor Apex (for DINP), both through the American Chemistry Council's High Phthalates Panel. Both chemicals were identified in the [2014 Update to the TSCA Work Plan](#). As reported in our August 17, 2019, [blog item](#), EPA held a public comment period on the requests, as well as additional conditions of use that EPA identified to include in the risk evaluations. More information is available in our August 19, 2019, memorandum, ["EPA Begins Comment Period on Manufacturer Requests for Risk Evaluation of DIDP and DINP, and Identifies Additional Conditions of Use."](#)

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Officials: Fire out, work not over

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### Officials: Fire is out but work still lies ahead

By Jacob Dick Updated 9:24 pm CST, Tuesday, December 3, 2019

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**IMAGE 1 OF 274**

Nurse supervisor Rachel Dragulski gets a warm greeting from fellow nurse Maricela Figueron who stopped to say hello and see the Jefferson County Health Department's mobile unit, which stationed outside First

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Kids returned to school in Port Neches and residents worked to move forward on Tuesday as crews finally quenched the last blaze at the TPC Group site left burning since an early Nov. 27 explosion, but the return to seeming normality wasn't without questions about what comes next.

The unified command responding to the chemical plant blaze announced the fire was extinguished on Tuesday night, but the work for emergency crews wasn't over.

"The fire at TPC Group Port Neches Operations has been extinguished," representatives wrote around 7:45 p.m. "However, an all clear has not yet been issued. Response measures are ongoing."

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The command said personnel wouldn't be leaving the scene yet and would continue working the site since there was a possibility of flareups reigniting chemicals that could be left in vessels.

Jefferson County Judge Jeff Branick announced before noon that the nine fires crews had contained to storage vessels by Friday were reduced to just one. He also said the county would send support from its health authority to contribute to relief efforts in Mid-County.

Jessie Douglas, a resident of Groves who lives about a half mile from the TPC Group plant, was in line at the American Red Cross response center at the First Baptist Church of Nederland on Tuesday with questions about where to start with her claims.

She said she had heard there was a claims hotline people had been encouraged to call, but she wasn't sure how it would work and wanted to talk to someone who could reassure her. Reassurance is something she said was in short supply since the blast blew her front door open.

"I was still uncomfortable when I came back," she said. "My dad got cancer from working around butadiene at one of the plants, so, when I heard that's what was on fire, I wasn't taking my chances."

In the days following the explosion and evacuation, representatives from the company, the Texas Commission on Environmental Quality and the U.S. Environmental Protection Agency said there were no hits for elevated levels of volatile organic compounds or other harmful substances in more than 2,000 different handheld samples gathered by crews on the ground.

There had previously been only levels below what the EPA calls "actionable" in Beaumont and Port Arthur. Two Port Arthur sites tested for VOCs at around 0.1 parts per million, but the EPA doesn't test for which chemicals are present under .5 parts per million. Two Beaumont sites tested for hydrogen cyanide at around the same levels.

That changed on Monday night when the EPA posted its newest findings on the response website associated with the TPC Group fire.

After testing 146 locations around Port Neches and Groves from Sunday night to Monday night, the agency reported one location just outside the plant's fence line that tested for double the actionable level of VOCs, an elevated level of 1,3-butadiene and 8 parts per million of particulates.

1,3-Butadiene is used to produce synthetic rubber products, such as tires, resins and plastics, and is registered as a cancer-causing chemical by the National Cancer Institute. The suspected center of the fire was a butadiene processing unit in the plant, but no official causes have been determined.

Response personnel from the EPA's Region 6 on the ground in Port Neches didn't respond to requests for comment by press time about what comes next after the detection.

The Chemical Safety Board announced Tuesday it would be hosting an update on its investigation on Thursday, but no further details on its activity in Port Neches was available from the agency.

A contractor hired by TPC Group called CTEH has been monitoring for and handling any reports of asbestos contamination associated with the explosion.

Media and residents weren't told until Friday morning about the possibility of the known carcinogen blanketing homes.

Douglas wasn't the only one looking for help at the Red Cross shelter with questions and apprehensions.

Scott Hughes, a Beauxart Garden resident who stopped by the center with Port Neches resident Kacie Scherry, said people living around Southeast Texas know an explosion at one of the dozens of plants is always a threat, but most people aren't too convinced companies like TPC Group will take care of them in the aftermath.

"People are skeptical, I think, but there doesn't seem to be a way (TPC) could get out of it at this point," Hughes said.

At least 100 damage assessors were expected to be in Port Neches on behalf of TPC. The company said they would make their way through every affected neighborhood in the zone around the plant.

While Scherry was at the center, she took advantage of a free tetanus shot provided by the Jefferson County Health Authority at its newly commissioned mobile medical unit.

The unit and tetanus shots were part of aid given to the county after Tropical Storm Harvey by humanitarian aid organization Direct Relief. The health authority hopes to use the unit in the coming weeks to visit rural parts of Jefferson County for community clinic days.

Rachel Dragulski, a registered nurse with Jefferson County Public Health, said it was important for anyone who might come into contact with debris around their homes or the plant to get a shot if they haven't had one in the last 10 years.

"Anytime you are dealing with debris, especially rusted metal, tetanus is an issue, but it's something you have to prepare for before you come into contact with it," she said.

Along with providing caseworkers to help answer questions and partnering with the county health department, the Red Cross also had mental health resources and spiritual advisers on hand to work with people dealing with anxiety over the blast.

Natalie Warren, disaster program manager and jobs director at the center, said the First Baptist Church of Nederland had been an unusual find for efforts on the ground.

"Usually we have to hunt for places after an event to find a spot to set up, but they were more than willing to help us almost as soon as the fire started," Warren said.

Jason Burden, senior pastor with the church, said people started arriving at the church in the mid-morning on Nov. 27, and the church community has been trying to do what it can to help ever since.

Several of Burden's congregation lived around the plant and the church was also affected by the evacuation notice for the 4-mile radius around the plant.

Burden said he has been surprised at just how many members of his congregation were impacted by the blast, but the whole situation was kind of surreal.

"In most cases, we would be the ones that are supposed to be evacuating after a disaster, but I'm glad we're here to help offer some relief," Burden said.

In the Port Neches-Groves ISD, which has a high school just down the road from the TPC plant, classes resumed at their normal time Tuesday and students headed to class.

Port Neches-Groves High School Principal Scott Ryan said the day was fairly normal, aside from some traffic and a few kids who said they weren't feeling well.

"We had a few kids go home and the nurse checked them out," Ryan said. "We don't know if it is related to the blast or anything, but no teachers have any

reported smells or related illness. We obviously aren't keeping kids from going home if their parents think it is best."

The district had fairly normal attendance, just under an average school day, according to PN-G ISD officials.

Tuesday was one of the first days since the early morning explosion six days prior that officials didn't gather to address the media.

Local environmental activist and community organizers did use the day of relative calm to announce an information session for the community of Port Arthur.

John Beard and his organization, Port Arthur Community Action Network, will host a meeting at the Empowerment Memorial Church at 11 a.m. Saturday in Port Arthur to help inform people about what kind of air quality impacts the fire could have had on the community and what questions should be asked as the response winds down.

"It's really just to give people the best information to use when they make their own decision, Beard said. "Regardless of what someone will tell you, the plume did pass over parts of Port Arthur outside of that four-mile radius that had to evacuate."

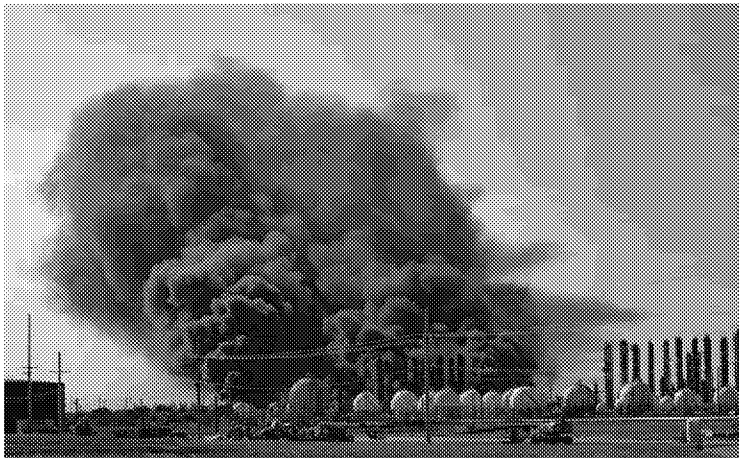
He said the initial shock of the incident was understandable, but now is the time to question what information has been available to residents and whether it is sufficient.

"Part of the problem is — from an emergency management standpoint — we don't have the proper relationship (with industry) to have the information we need," Beard said. "In Harris County, they do inspections and are a part of the process. The people you hear talking here are mostly from the company. The public officials talking have a very limited knowledge base on how these plants work and what happens when they fail."

*[jacob.dick@beaumontenterprise.com](mailto:jacob.dick@beaumontenterprise.com)*

# As Port Neches Plant Smolders, Trump Rolls Back Safety Rules for Chemical Plants

After a deadly explosion in the town of West in 2013, Obama implemented stricter safety rules for chemical plants. Trump's EPA has just undone them.



Smoke rises from the explosion at the Texas Petroleum Chemicals Group plant in Port Neches on November 27. *MARIE D. DE JESUS/HOUSTON CHRONICLE VIA AP*



**Christopher Collins**  
Dec 3, 2019, 12:20 pm CST

Early Wednesday morning, inside a chemical manufacturing complex just southeast of Beaumont, a building erupted in a ball of flames, injuring eight people and sending acrid smoke wafting over southeast Texas. The explosion and subsequent fires at the Texas Petroleum Chemicals (TPC) Group plant, located near a residential area in Port Neches, knocked out the windows and damaged roofs of surrounding homes. The day before Thanksgiving, residents within the four-mile radius of the plant were ordered to evacuate.

Fires burned throughout the weekend, and all but one was put out by Tuesday. The TPC plant, which has a long history of violating state and federal environmental laws, manufactures butadiene, a known human carcinogen that can cause blurred vision, nausea, unconsciousness, and respiratory paralysis. Officials also have warned that residents could be exposed to asbestos.

“I just worry about what we’re breathing in,” one resident told the local ABC affiliate. Another resident told the TV station, “You don’t really realize how close you are to danger until something like that happens in your own backyard.”

The EPA estimates that 177 million Americans live near high-risk facilities that store or use potentially dangerous chemicals. One in three children attend school in those areas, with particularly high concentrations of schools in vulnerable zones in the Houston and Beaumont-Port Arthur metro areas.

Despite the well-documented risks of living near these facilities, just before the latest Texas explosion, the Trump administration rolled back plant safety rules that could make people who live, work, and learn near such facilities safer.

“You don’t really realize how close you are to danger until something like that happens in your own backyard.”

On the heels of a deadly fertilizer plant explosion in 2013 in the town of West, north of Waco, the Obama administration ramped up safety protections for dangerous chemical facilities. Most of the 15 people killed in the West explosion were trying to extinguish a fire at the plant, not knowing it housed 270 tons of ammonium nitrate, dwarfing the amount used in the 1995 Oklahoma City bombing. Not even the U.S. Department of Homeland Security, which regulates ammonium nitrate, knew that massive quantities were being stored onsite. And because the company told the Environmental Protection Agency there was no risk of fire or explosions, there were few inspections at the plant.

That year, Obama’s EPA amended the federal Risk Management Plan (RMP) program, which lays out safety rules for chemical facilities, to increase the number of investigations at plants and bolster transparency. The changes required investigations when plants experienced a “near miss”

incident that almost resulted in disaster; required third-party audits after reportable incidents; allowed the public to access information such as chemical inventory and accident history; and forced repeat offenders to conduct safety research. The changes were a direct response to the West explosion, which “resulted from the failure of a company to take the necessary steps to avert a preventable fire and explosion,” said Rafael Moure-Eraso, the chairman of the U.S. Chemical Safety Board.

Eric Whalen, a spokesperson for the Environmental Justice Health Alliance for Chemical Policy Reform, says the upgraded protections were not a panacea, but that “these advances were good and in the right direction.” After a drawn-out and predictable legal fight, the amended RMP program went into effect for a few months this year.

That is, until November 20, when Donald Trump’s EPA moved to roll the amendments back. Trump told the *Washington Post* that some of his changes, such as removing the requirement for public information, were made to protect plants from terrorist attacks. Trump’s EPA said the changes were made partially to “reduce unnecessary regulations and regulatory costs”—which would inevitably save the chemical industry money. Whalen says the rollbacks are also a way for federal officials to ignore problems at facilities until they cause another disaster. “This is a way for EPA to cover its eyes and its ears and stick its head in the sand,” he says. “People will die eventually.”



An aerial photo of the West explosion site taken several days after blast. *WIKIMEDIA/SHANE TORGERSON*

He and other advocates are urging EPA to reinstate the Obama-era rules, saying that without them, people will continue to be put into harm's way.

The Port Neches explosion is just the most recent data point in the timeline of mishaps at chemical plants in Texas. In March, after an explosion at the International Terminals Company in Deer Park, a Houston suburb, 11 tanks holding 80,000 gallons each of hazardous chemicals burned for days; water sprayed by firefighters mixed with the chemicals and leaked into the Houston Ship Channel. When the Arkema plant caught fire in nearby Crosby after being flooded by Hurricane Harvey in 2017, first responders had to resort to Googling the facility's chemical inventory to figure out how dangerous it was.

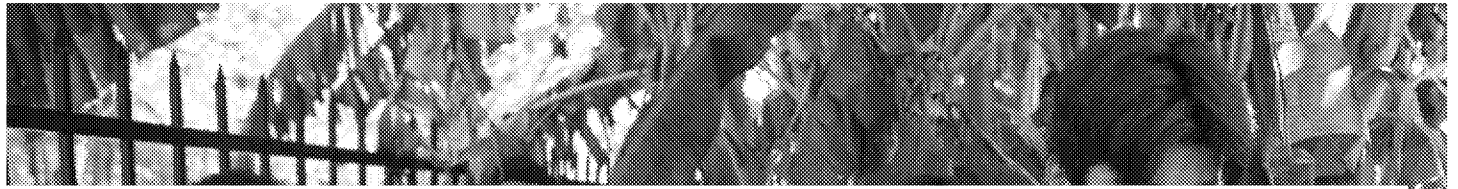
Back in West, Mayor Tommy Muska told the *Dallas Morning News* he was "disappointed" at the Trump administration's decision to reverse safety rules. "The American people and American politicians, they have a short memory," Muska said. "They're going to say everything is fine, and

LOCAL // HOUSTON

## Students at Houston 'environmental justice' school among young people seeking climate action

**Perla Trevizo**

Dec. 4, 2019

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Juan Gallegos carries bananas after they were cut from a tree in the community garden near Furr High School on Tuesday, Nov. 19, 2019, in Houston. Furr, in northeast Houston, has become the first environmental justice school in the country thanks to a \$10 million grant it won in 2016. The students focus on different environmental issues to ...

Photo: Brett Coomer, Houston Chronicle / Staff photographer

Johnny Gallegos started to feel nauseous and sleepy — so much so that the 18-year-old couldn't get off the bus.

He was on a "toxic tour," an expedition in which a local advocacy group takes participants to some of the Houston-area neighborhoods most affected by pollution from sources

That made the Furr High School student feel angry, too,

“Sometimes I feel like these (chemical) plants and the people who run these plants don’t care about what they are doing and they are just in it for the money,” said Gallegos, his eyes welling with tears.

“And that angers me but it also makes me really sad because these people” — the affected communities, he added — “their voices are not enough to change anything.”

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increasingly vocal and active movement of environmental advocates and activists in the region and around the world. They sue the government, interrupt major sporting events and organize candidate forums. But they also grow gardens in food deserts, plant trees to mitigate flooding and monitor air quality to keep their communities informed.

This fall, Greta Thunberg, a Swedish teen who in 2018 started skipping school to strike outside of her country’s parliament, became a global icon after she sailed to New York to address the UN Climate Action Summit. She chided world leaders for failing her generation and helped lead protests across the globe that attracted millions demanding action on climate change.

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## More Information

Want to go?

What: Climate strike

When: 3 p.m. Dec. 6

Where: City Hall, 901 Bagby St., Houston, TX

Information: [bit.ly/htxstrike12\\_6](https://bit.ly/htxstrike12_6)

What: Houston Youth Climate Leaders Panel

When: 11 a.m. Dec. 7

For them it's personal, they say. After all, they will be the ones to deal with the most dire consequences of climate change, especially if adults fail to act.

\*\*\*

Furr High School, part of the Houston ISD, is on the city's east side. From the third floor, students can see the site of a former landfill that was once one of the largest in the country. The nearby bayou is polluted, they say, and chemical plants lining the Houston

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It is also one of the few high schools in the country — if not the only one — where the entire curriculum revolves around the theme of environmental justice.

Its existence is something that Robert Bullard, known as the “father of environmental justice,” said wouldn't have been possible decades ago.

“School boards 25, 30 years ago would not even think it's OK to have an air monitor in school,” he said. “They didn't see themselves as having anything to do with the environment and monitoring, but today that has changed with the environmental justice movement.”

Furr's transformation started three years ago, with a \$10 million grant won through a national contest sponsored by Lauren Powell Jobs, the widow of Apple co-founder Steve Jobs. The goal was to reinvent high school.

For Furr, that meant capitalizing on the school's location, an area of Houston with serious environmental challenges. Students take math and English but also attend classes on wildlife, fisheries and ecology and agriculture.

Its partners include the U.S. Forest Service, the U.S. Fish and Wildlife Service, Texas Environmental Justice Advocacy Services and Texas A&M.

The school is “about environmental justice, the greenification of East Houston, about empowering our students to have agency and advocate for themselves and their

On a recent morning, the agricultural class walked over to Herman Brown Park, where they maintain a garden full of fruit trees and raised beds with herbs.

"Trees are the best solution to climate change," David Salazar, an agriculture teacher specialist, told the students. "They help with erosion and flooding. Trees capture the carbon we are trying to sequester," he explained, before sending them out to pick clusters of bananas they will let ripen to eat after the holidays.

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Salazar explained that most bananas are imported from Central America, which wastes energy. The people who pick them, he added, don't get paid fairly either.

Everything he teaches is solution- and action-oriented, he said.

The goal is to create new leaders, said Juan Elizondo, who oversees the school's partnerships. "Leaders that can uplift the entire community and not have a brain drain."

That's what Yulissa Cabrera, 18, aims to do.

Her media class spent more than two months preparing for a permit hearing for the Valero Houston Refinery, which is about six miles south of the school.

"Why can't you treat our community the way you are treating the community in Los Angeles?" she asked company representatives as audience members applauded.

Her knees were shaking and her palms sweating, but she felt she was not alone, she said, with a whole group behind her giving her strength. So she continued to press officials.

"Some people saw it as us protesting," she said later, "but it was really just us doing what we want to do when we grow up. This is just us raising awareness, being a voice, knowing what's going on in our communities. We can't just be oblivious to a black cloud that we see in the sky."

\*\*\*

It's one that divides generations and also motivates "young people who are generally less engaged in public policy and political issues than older generations are," said Jonathan Williamson, a political scientist from the University of Houston.

A clear majority of American teenagers, 86 percent, think human activity is changing the Earth's climate, according to a recent [Washington Post-Kaiser Family Foundation poll](#). Roughly one in four have participated in a walkout, attended a rally or written to a public official.

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are more likely than baby-boomer and older Republicans to say the Earth is warming due to human activity.

"You definitely see younger people becoming more active on this issue," said Lia Millar, 22, a local organizer with 350.org, an international climate justice organization.

"It comes down to access to information because of Twitter and Instagram and the Internet," she said. "People have been able to learn about the climate crisis in a way they weren't able to before."

They can also watch and draw inspiration from young leaders who use social media to create movements.

Locally, there are a handful of youth-led groups, Millar said, including Sunrise Movement, Fridays for Future, Climate Strike US and 350.org — all of them relatively new here.

It's not a topic that can be swept under the rug anymore, she said, as "people are realizing 'Maybe our representatives in federal office aren't taking the climate movement seriously enough,' and young people are willing to hold politicians accountable for their futures."

"Young people have been engaged on climate, on environmental issues, for 50 years," Williamson said. "It was the young generation that fought for things like Earth Day and clean water and clean air in the 1960s and early 1970s. Those baby boomers who are not so young anymore set a precedent that today's young people are following."

youth and student component.”

And this generation of young people is mobilizing across racial and class divides.

They have fewer wedge issues that keep them from working together, he said, “which is somewhat new and refreshing.”

Part of that is because they see it and live it in their own communities.

\*\*\*

Houstonians are all too familiar with severe storms and hurricanes, which researchers have concluded are becoming more frequent and extreme due to climate change.

“ITC” has also become part of their vocabulary. The Deer Park chemical storage tank facility caught fire in March, sending a black plume of smoke into the sky, visible for miles. Several schools were placed on lockdown, baseball games were canceled, students weren’t allowed to go outside.

“I remember that day so clearly,” said Johnny, the Furr High School student. “I walked outside and I see this big cloud, I thought it was one giant rain cloud.”

When he got to school, everyone was talking about it.

The students organized a shelter-in-place workshop afterward to show residents what they needed to do, including how to seal their windows. Others organized informational community forums.

“It was harder 10 years ago to draw attention to these kinds of issues because the discussions were more in the abstract and in the scientific,” said Williamson. “In recent years you’ve seen the negative consequences affecting, in a more obvious way, people and places across the globe.”

Kevin Juarez, 17, and Pearl Phan, 18, both seniors at Pasadena Memorial High School, say they can tell when the city of Pasadena is having a bad air-quality day.

There's a reason why the community southeast of Houston was known by some as "Stinkadena," Kevin said.

"Sometimes you come into the school and smell something and don't know what it is," he said, although things have gotten better.

The two teens are part of the Environmental Youth Council, a new program by the Environmental Defense Fund being deployed in three area schools: Pasadena Memorial and Galena Park high schools and the Raul Yzaguirre School for Success — all within a few miles of refineries and heavy industry located up and down the Houston Ship Channel.

"We are trying to prepare the next generation of environmental leaders," said Shannon Thomas, who manages the program.

"We definitely believe the youth are the future consumers, business owners, politicians — they are the ones will make a difference in the future," she said. "This is their planet."

As part of the program, Kevin and Pearl have learned how to read and interpret data from two air monitors they have on the school's rooftop.

After school on a recent day, Kevin found the previous night's readings upsetting.

"Did you see it was 147 last night?" Kevin asked Kathryn Williams, the AP environmental science teacher. "It was almost as high as the ITC fire."

The air quality index reached 162 for particulate matter on March 24, seven days after the fire started, which means unhealthy.

"That's the dangerous part of air pollution," Kevin said, "you don't know it unless you are on top of it."

While Kevin said he's not able to drive to Houston to protest, the council gives him an opportunity to do something locally.

before school started, and after dismissal. They had known it was an issue for a while and they now have data to back it up.

What's happening in other parts of the world should motivate them to do something about it, Pearl said.

There was a time when people in some countries in Asia didn't have to wear a face mask, said Pearl, whose parents are from Vietnam. "But now they do. (We) here in the U.S., we don't have to wear a mask, but if we don't make a difference, we are going to end up wearing a mask every time we walk outside a building and that's just a life no one wants to have."

"The global climate crisis is such a complex topic," Kevin chimed in, "the best way to remedy a situation is by learning about it and knowing how to prevent it or what to do with what you already have."

For Bullard, all of this reflects how young people are seeing themselves as owning these issues and not waiting for older people to tell them what to do. "They are figuring it out for themselves and when they need folks like myself, they call us and when we can support them, with do," he said.

"This is the only earth we have," said Pearl. "Once it's damaged you can't bring it back, so why not prevent it now, you know, make a difference now and not let it go?"

*perla.trevizo@chron.com*

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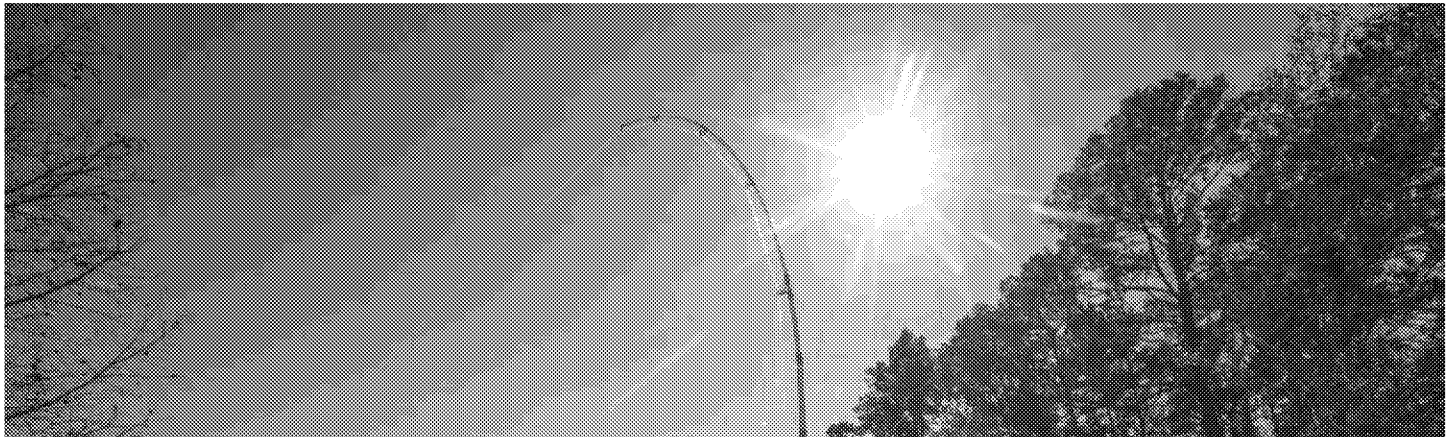
TOP

BUSINESS // ENERGY

# Trump administration plans to open national forests in Texas to more oil and gas drilling

**Sergio Chapa**

Nov. 29, 2019

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Derrick Taylork, of Huntsville, fishes in Stubblefield Lake in Sam Houston National Forest on Friday, Jan. 4, 2019, in New Waverly. The Trump administration is seeking to open more than 1.9 million acres of national forests and grasslands in Texas to more oil and natural gas drilling activity.

Photo: Brett Coomer, Houston Chronicle / Staff photographer

Environmentalists and other opponents are fighting Trump administration plans to open more than 1.9 million acres of national forests and grasslands in Texas to more oil and natural gas drilling activity, which would include plans to drill thousands of feet under Lake Conroe — the principal drinking water source for thousands of people in suburban Montgomery County.

National Forest, Sabine National Forest, Caddo National Grasslands and LBJ National Grasslands to oil and natural gas companies.

The forests are part of the Haynesville shale of East Texas and Louisiana, and the grasslands are part of the Barnett shale of North Texas. Oil and gas companies have drilled on those lands for decades, but new leasing on them stopped in 2016, when the Obama administration bowed to pressure from environmentalists and other opponents concerned about the effects of hydraulic fracturing.

The Trump administration is seeking to reopen those lands for leasing, which would allow oil and natural gas companies to drill more than 1,000 horizontal wells and 500 vertical wells over a 20-year period. In a [49-page report](#), the U.S. Forest Service estimates that the 1,500 wells would require more than 5 billion gallons of water to unlock more than 68 million barrels of oil and more than 4.2 trillion cubic feet of natural gas.

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## More Information

### Proposed Drilling on Federal Lands in Texas

The Trump administration is seeking to open more than 1.9 million acres of federal lands in Texas to more oil and natural gas drilling.

Location	Proposed Wells
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Angelina National Forest	202
--------------------------	-----

Caddo National Grassland	4
--------------------------	---

National  
Forest

Lyndon B.  
Johnson  
National  
Grassland 475

Sabine  
National  
Forest 624

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National  
Forest 127

Total 1,530

Source: U.S. Forest Service

### Top 10 Drillers in East Texas

Ranked as the fourth most active shale play in the United States, the Haynesville of East Texas and northern Louisiana mostly produces natural gas that feeds large interstate pipelines and liquefied natural gas export terminals along the Gulf Coast.

Company Drilling  
Permits  
Filed in 2019

Rockcliff  
Energy 38

Gas 32

Aethon  
Energy 30

Tanos  
Exploration 25

Sheridan  
Production  
Company 24

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Exxon Mobil 19

Comstock  
Resources 18

KJ Energy 13

CCI Texas 11

Source: Railroad Commission of Texas

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The wells also would produce more than 32 billion gallons of wastewater that would need to either be recycled or injected underground at facilities known as saltwater disposal sites.

would be a disaster for wildlife, water quality and air quality in both Houston and Dallas, two metropolitan areas already struggling with smog and other air quality issues.

“We need to be cutting our greenhouse gas emissions in half over the next decade to avoid the worst impacts of climate change, not opening up more land to fossil fuel extraction,” Park said. “This is going in the wrong direction.”

On [HoustonChronicle.com](#): [Earthquake reported inside Choke Canyon State Park](#)

The Forest Service is holding a [public comment period](#) that ends Friday. Federal officials originally set the deadline in October but [extended it amid pressure from environmentalists and East Texas residents concerned over the impact on water, the habitat for the endangered red-cockaded woodpecker and earthquakes.](#)

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statement is released next fall. If the entire process is successful, the Bureau of Land Management could start leasing the lands as early as 2021.

Under federal law, the federal government would receive 12.5 percent of the royalties from the oil and natural gas extracted from the forests and grasslands. The state, nearby counties and school districts would also receive royalties from the production.

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Brandt Mannchen, chair of the Houston regional group for the environmental advocacy organization the Sierra Club, has already filed comments against the proposal. He described the national forests as areas of great beauty that offer camping, hunting, fishing, hiking, canoeing and other recreational opportunities for area residents and visitors.

“The Forest Service needs to take climate change into account with regards to leasing,” Mannchen said. “We would prefer that there be no leasing, but if there is, we want the best practices, the strictest practices and the safest practices. These are multiple-use lands and because they’re a public resource, there needs to be stewardship of those resources.”

safe and regulated.

“Texas oil and natural gas operators comply with all state and federal regulatory requirements and adhere to the highest levels of safety and environmental standards,” said Ed Longanecker, president of the Texas Independent Producers & Royalty Owners Association, an industry trade group in Austin. “This commitment holds true in all areas of oil and natural gas development throughout the state of Texas.”

[More: Read the latest oil and gas news from HoustonChronicle.com](#)

The area north of Lake Conroe was explored by oil companies in the 1970s but mostly produced dry holes, according to records from the Texas Railroad Commission, the state agency that regulates the oil and gas industry.

Meanwhile, with both crude oil and natural gas prices low, undertaking large-scale drilling operations in North Texas and East Texas remains financially unattractive to most companies.

The Haynesville shale, the fourth-most-active shale play in the U.S., mostly produces natural gas that feeds large interstate pipelines and liquefied natural gas export terminals along the Gulf Coast. The Houston companies Rockcliff Energy and Sabine Oil & Gas and the Dallas firm Aethon Energy together account for one-third of the drilling activity in the East Texas shale play.

Oil majors Exxon Mobil and BP also have a large presence in the region, as does Comstock Resources, a Frisco oil and natural gas company owned by Dallas Cowboys owner Jerry Jones. Comstock recently bought rival Covey Park Energy in a \$2.2 billion deal to expand the company's presence in East Texas.

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# Forest Service accepting comment on Pecos-area drilling plan

By Journal North Report

Monday, December 2nd, 2019 at 7:50pm

SANTA FE, N.M. — The management of the Santa Fe National Forest is soliciting public input on the controversial proposal by Comexico LLC to conduct exploratory core drilling on national forest land north of Pecos in the Sangre de Cristo Mountains.

National forest representatives will host a public meeting on Thursday, Dec. 12, “to share information about the Comexico proposal and the NEPA (National Environmental Policy Act) process and to give the public an opportunity to ask questions and provide comments,” according to a news release.

The public meeting will be at Pecos High School on N.M. 63 from 6-8 p.m.

The proposed drilling would be on previously identified mineral deposits, primarily copper, lead and zinc.

But the U.S. Forest Service’s news release noted that Comexico, a subsidiary of Australian company New World Cobalt, is not proposing to mine the Jones Hill area. “Comexico’s business model is to conduct exploration on previously identified deposits and market the prospect to other investors/companies for development,” the release said.

The forest service said public comments received by a Jan. 17 deadline “will help determine the scope of the Comexico project, including the SFNF’s management of Comexico’s exploration activities.”

Comexico proposes using existing roads and drill sites to drill up to 30 core holes on less than 5 acres to evaluate the ore body and its commercial viability.

The project area was previously explored for minerals in the 1970s, ‘80s and ‘90s but not actively mined. Historic mining and mill sites that were active in the upper Pecos Valley from the 1880s to the 1930s contaminated soil and water and required remediation over decades. Critics of the Comexico proposal fear new contamination will flow into the Pecos River canyon, a popular recreation area for anglers, campers and hikers and where many vacation or weekend homes are located.

The Forest Service’s release also noted that federal mining regulations and laws require the agency to allow mineral exploration and development on National Forest System lands. But the activities proposed in Comexico’s plan do require analysis under NEPA, and the Forest Service can add mitigation measures and modifications to minimize potential environmental impacts.

Any future proposal to mine the Jones Hill area would require further NEPA analysis and documentation in a formal environmental assessment or environmental impact statement.

The Forest Service said the area surrounding the project site is partially within an inventoried roadless area and adjacent to wetlands. The project area also is within designated critical habitat for the Mexican spotted owl, a threatened species under the Endangered Species Act, and the endangered Holy Ghost ipomopsis, a flowering plant, as well as habitat for the goshawk, peregrine falcon and Rio Grande cutthroat trout. The larger landscape also includes cultural resources important to several tribes.

“The SFNF will require modifications to Comexico’s plan to mitigate any impacts on these resources,” said the news release.

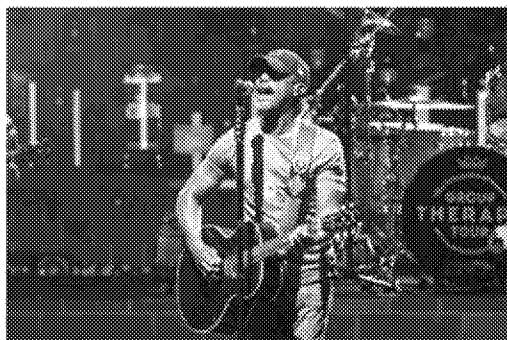
Documents related to the Comexico proposal are posted on the project webpage, <https://www.fs.usda.gov/project?project=56733>. Comments about Comexico’s plan can be submitted online at that site by clicking on “Comment/Object on Project” under the “Get Connected” heading on the right side of the page.

Emails should be submitted to [comments-southwestern-santafe-pecos-lasvegas@fs.fed.us](mailto:comments-southwestern-santafe-pecos-lasvegas@fs.fed.us) with "Comexico Proposal" in the subject line. If attaching a document, use .doc, .txt, .pdf, or .rtf formats only.

Comments also can be mailed to Santa Fe National Forest, Pecos/Las Vegas District, P.O. Drawer 429, Pecos, NM 87552, or delivered in person to the Pecos/Las Vegas Ranger Station at 32 South Main Street in Pecos, from 8 a.m. to 4:30 p.m.

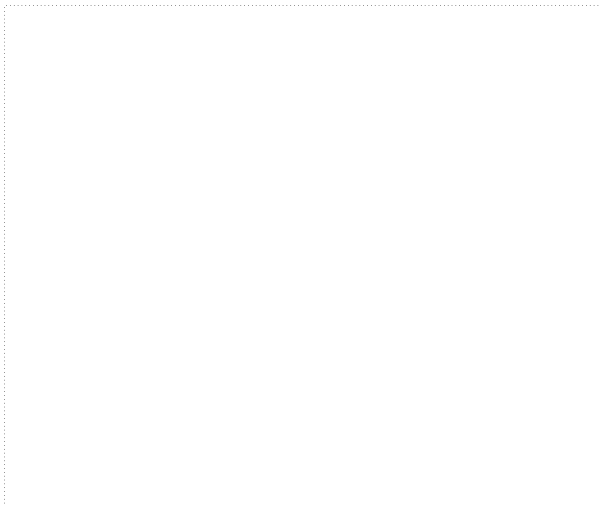
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## Auto Racing



### Darius Rucker to perform pre-race concert before Daytona 500

22 hrs ago



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### Hamilton won't rule out future move to Ferrari

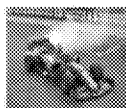
Dec. 01, 2019 03:37 PM EST

### Hamilton seals easy 11th victory of F1 championship season

Dec. 01, 2019 01:36 PM EST

### Hamilton says he's flattered by Ferrari's praise

Nov. 30, 2019 11:47 AM EST



### F1: World champion Hamilton takes pole at Abu Dhabi GP

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# Conservation Activists File Petition With EPA Over Plastic Plant Pollution Standards

December 3, 2019 at 7:39 pm

**Filed Under:** Environmental Protection Agency, Industrial Plants, Plastic Manufacturer, Plastic Plants, Pollution, San Francisco

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SAN FRANCISCO (CBS SF) — Members of several community environmental organizations announced Tuesday they're calling on the U.S. Environmental Protection Agency to adopt stricter pollution standards for industrial plants that create plastic.

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As part of the action, about a dozen people rallied outside the EPA's San Francisco office, located at 75 Hawthorne St., demanding that the agency update its decades-old air pollution monitoring and control standards, and that all new petrochemical plants be fully powered with renewable energy.

"Some of these (requirements) haven't been updated for decades and they're quite lax," Lauren Packard, an attorney with the Center for Biological Diversity, said.

"For instance, we're calling for fence line monitoring, for continuous emissions monitoring and monitoring using optical gas imaging to protect communities living near these facilities and bearing the brunt of these toxic emissions."

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Packard said the updates are desperately needed, as plastic production soars thanks to a recent oversupply of gas obtained from fracking.

"An oversupply of cheap fracked gas is instigating a massive build out of petrochemical facilities. In advance of this build out, we need to make sure the EPA is protecting communities and the planet," she said.

"Plastic production is a part of the climate crisis. Every step of the way, from fracking to the feedstock, from transporting to processing to manufacturing plastic to the ultimate disposal in landfills, in incinerators, or our oceans is exasperating our climate crisis and putting us all at risk," she said.

Currently, most petrochemical plants where plastics are made are located near the Gulf Coast and the Appalachian Mountains. The facilities are allowed to emit hundreds of tons of toxins and carcinogenic pollutants, which can lead to cancer and respiratory problems and other illnesses, according to the advocates.

"Plastic pollutes at every stage of its life cycle," said Stiv Wilson, who has produced a film, "The Story of Plastic," which covers how plastics are made and disposed of, and highlights the problems with

"The climate issue and the plastics issue are literally the same and plastic companies are fossil fuel companies," he said. "We're showing the world the new narrative on what we have to do with regards to plastic pollution, so that we can base policy on base activism on the entire lifecycle of plastic, not just on the ocean."

Following the action, the advocates filed a legal petition with the EPA calling for the new updates to its standards under the Clean



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Once the EPA reviews the petition, it could consider the changes. If no action is taken, the advocates said a lawsuit could come later down the road.

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## Supreme Court seems skeptical that Superfund landowners can seek more extensive cleanup than EPA approves

By **Robert Barnes**

Dec. 3, 2019 at 5:06 p.m. CST

The Supreme Court on Tuesday seemed to suggest that the Environmental Protection Agency must make the ultimate decisions on cleaning up toxic waste sites, and that landowners' attempts to use state courts to get additional compensation from companies requires the agency's approval.

The court was considering a massive cleanup of arsenic from a 300-square-mile section of Montana where a copper smelter operated for nearly 100 years. The Anaconda valley has been a Superfund cleanup site since 1983, and owner Atlantic Richfield already has spent more than \$470 million to remove toxic chemicals from the land.

But nearly 100 homeowners in the area want more work done, and they went to state court in hopes of convincing a jury that the company should pay an additional \$50 million to reduce the arsenic level in the ground. The Montana Supreme Court said the suit could proceed.

AD

But the question for the U.S. Supreme Court was whether such a supplemental lawsuit undermines the EPA's authority to implement a cleanup plan it deems appropriate for all parties.

The landowners want "to implement their own piecemeal hazardous waste cleanups. The answer should be no," said Washington lawyer Lisa S. Blatt, representing Atlantic Richfield.

Federal law "entrusts EPA to protect human health and the environment by developing a remedial plan that protects the whole community," Blatt added.

The problem for the company, several justices noted, is that the law leaves open the possibility of state actions.

"Look, if I were writing this statute, I would say it all goes to the EPA" because it is "the sensible solution to have one party that makes all the rules in this," said Justice Elena Kagan.

AD

But the law Congress passed suggests otherwise, Kagan said, in particular that “states get to impose additional liability or requirements with respect to the release of hazardous substances.”

That’s true so long as they don’t conflict with the EPA plan, Blatt said. In this case, the remedial cleanup the residents want Atlantic Richfield to pay for would conflict with the plan EPA has been requiring the company to pursue for decades, she said.

Christopher G. Michel, a Justice Department lawyer, told the court the federal government was siding with Atlantic Richfield because it was concerned about the request of a “distinctive state law remedy under which a jury may authorize a plan to clean up toxic contamination at a Superfund site in a way that conflicts with and in many respects physically destroys the EPA plan.”

AD

Justice Stephen G. Breyer seemed to agree. He was worried about “10,000 juries or 50 states or whatever it is imposing sometimes conflicting duties and leaving it up to hundreds of different judges to decide.”

Washington lawyer Joseph R. Palmore, representing the homeowners, said there was nothing revolutionary about his clients pursuing their interests in state court.

“Montana, like many other states, has made the judgment that one who puts toxic materials on another person’s property is liable for trespass and nuisance and that a measure of recovery is the cost of removal,” Palmore said.

Nothing in the federal law establishing the program “bars that core exercise of state authority to vindicate private property rights.”

AD

Chief Justice John G. Roberts Jr. seemed sympathetic to the EPA’s position that “we want to be the ones to decide what to do, rather than the particular landowners there, because we have a broader perspective affecting the whole site, rather than individual sites where the people may reasonably want something to be done but still may be inconsistent with EPA’s plan.”

Palmore replied that “the vast majority of my clients have had zero work done on their land. And if you put all their land together, the work has been done on only 5 percent, okay? So, on 95 percent of the land, literally nothing has been done. So there’s no undoing there.”

But Roberts said that may be because the EPA has decided that disturbing the land would cause more problems, such as releasing arsenic into the air or to nearby streams.

AD

“I mean, yes, you want to just do things on your land, but you can’t overlook the fact that that is going to have harmful effects on everybody else around you,” he said.

Several justices floated the possibility that a compromise might be that landowners could seek greater compensation from polluting companies only if their plans for using the money received EPA approval.

The case is *Atlantic Richfield v. Christian*.